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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2010 - 526

13 **PARTHA SARATHI CHOWDHURY**
14 **3551 Wildwood Lane**
Lafayette, CA 94549
Registered Nurse License No. RN 683514

A C C U S A T I O N

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

19 1. Louise R. Bailey, M.Ed., R.N. (Complainant) brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing.

21 2. On or about July 17, 2006, the Board of Registered Nursing issued Registered Nurse
22 License Number RN 683514 to Partha Sarathi Chowdhury (Respondent). The Registered Nurse
23 License was in full force and effect at all times relevant to the charges brought here and will
24 expire on June 30, 2010, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Board of Registered Nursing ("Board"),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
2 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
3 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
4 Nursing Practice Act.

5 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
6 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
7 licensee or to render a decision imposing discipline on the license.

8 STATUTORY PROVISION

9 6. Section 2761, subdivision (a)(1) of the Code states that the Board may take
10 disciplinary action against a certified or licensed nurse or deny an application for a certificate or
11 license for unprofessional conduct, which includes, but is not limited to, incompetence, or gross
12 negligence in carrying out usual certified or licensed nursing functions.

13 COST RECOVERY

14 7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
15 administrative law judge to direct a licentiate found to have committed a violation or violations of
16 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
17 enforcement of the case.

18 FIRST CAUSE FOR DISCIPLINE

19 (Gross Negligence)

20 8. Respondent is subject to disciplinary action under section 2761(a)(1) on the grounds
21 of unprofessional conduct (gross negligence), in that on or about November 17, 2007, while
22 employed as registered nurse at the adolescent lock-down unit at John Muir Behavioral Health
23 Center ("John Muir") in Concord, California, respondent forcibly grabbed a psychotic, adolescent
24 patient who was lying face down on a bed and restrained by three staff members, by the head
25 and/or neck and jerked his head back. Respondent told the patient in a loud voice, "You don't
26 mess with my staff." The staff members released the patient's arms, and while standing at the
27 head of the patient's bed, respondent grabbed the patient's arms and pulled them behind the
28 patient's back, towards the patient's head. The patient had physically assaulted a staff member

1 immediately before this incident. Respondent admitted that he received Crisis Prevention
2 Institute "CPI" training, and that his conduct did not comply with the only acceptable method of
3 CPI restraint authorized for use at the John Muir facility.

4 SECOND CAUSE FOR DISCIPLINE

5 (Unprofessional Conduct)

6 9. Respondent is subject to discipline under section 2761(a) on the grounds of
7 unprofessional conduct based on the conduct set forth in paragraph 8, above.

8 PRAYER

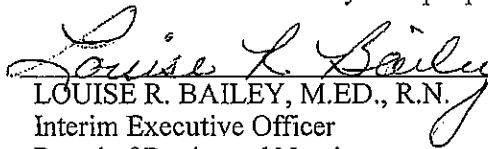
9 WHEREFORE, Complainant requests that a hearing be held on the matters alleged here,
10 and that following the hearing, the Board of Registered Nursing issue a decision:

11 1. Revoking or suspending Registered Nurse License Number RN 683514, issued to
12 Partha Sarathi Chowdhury.

13 2. Ordering Partha Sarathi Chowdhury to pay the Board the reasonable costs of the
14 investigation and enforcement of this case, pursuant to Business and Professions Code section
15 125.3;

16 3. Taking such other and further action as deemed necessary and proper.

17 DATED: 4/21/10


18 LOUISE R. BAILEY, M.ED., R.N.
19 Interim Executive Officer
20 Board of Registered Nursing
21 State of California
22 Complainant

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